

RESPONSE TO RESTRICTION REQUIREMENT	Application #	10/731,238
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	First Inventor	HOOK, Magnus
	Art Unit	1645
	Examiner	Zeman, Robert A.
	Docket #	P06338US02/BAS

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S I R:

In response to the Restriction Requirement dated November 21, 2005, Applicants herein traverse the election requirement as unwarranted and in contravention of the MPEP which mandates examination of multiple sequences, much like the parent application to the present case, U.S. Pat. No. 6,685,943, wherein the main issued claim was directed to generating an antibody against a peptide selected from the group consisting of SEQ ID NOS: 2, 4, 6, 8, 10, 13, 17-20, 54-55, 57, 59-61, 86, 103 and 104. Accordingly, the restriction should be withdrawn for the reasons that follow.

As an initial matter, the restriction requirement is not proper because the Examiner has not nor cannot show that the examination of all the claims will create a serious burden. Pursuant to MPEP 803, an Examiner must search all the claimed subject matter regardless of the question of independent inventions if the examination can be made without serious burden. In the present case, the Examiner cannot show that it will be a serious burden to examine the claimed invention since he has already conceded that the entire invention as reflected in claim 1 will be searched in a single subclass.

In addition, the Examiner's statement that the present invention "utilizes different peptides . . . [which are] separate and distinct from each other as they are drawn to differing methods having different steps, different goals and leading to differing results" (Restriction, at